

REMARKS

The above amendment and these remarks are responsive to the Office Action mailed 26 Feb 2008 by Examiner Tariz W. Najee-Ullah.

Claims 1 and 5 are in the case, neither as yet allowed.

35 U.S.C. 101

Claims 6-12 have been rejected under 35 U.S.C. 101 as directed to non-statutory subject matter.

Applicants have canceled claims 6-12 without prejudice, to narrow the issues and facilitate prosecution without conceding that these claims are directed to non-statutory subject matter. Applicants reserve the right to seek these and other claims in a continuation application.

35 U.S.C. 102

Claims 1, 7, and 12 have been rejected under 35 U.S.C. 102 over DeSimone et al. (U.S. Patent 6,212,548, hereinafter DeSimone), and claim 6 over Busey et al (U.S. Patent 7,263,526, hereinafter Busey.)

Applicants observe that DeSimone does not teach how a user, not party to or executing a chat application, is

END920030006US1

5

S/N 10/777,799

invited to join a chat by a server. In applicants' invention that is done by a server which responds to a request from the user for HTTP content, such as a document, with an HTTP response that includes a chat applet instance for execution by the user. DeSimone does not teach this feature.

For example, DeSimone teaches: "Private chat rooms are set up by a participant seeking to have private text communications with a selected one or more other participants in an existing chat." [Col. 1, lines 60-62, emphasis added.] Throughout DeSimone, chats are established between "participants". In applicants' invention, the chat is established by providing a "non-participant" with a chat applet in response to an HTTP request from that "non-participant" for HTTP content.

Applicants have amended claim 1 at lines 28-34 to include material from the specification at paragraph [0025], to further clarify this distinction with respect to DeSimone.

Applicants have canceled claims 7 and 12 without prejudice.

With respect to Busey, applicants have canceled claim 6 without prejudice.

END920030006US1

6

S/N 10/777,799

35 U.S.C. 103

Claims 2-5 and 8-11 have been rejected over DeSimone in view of Busey.

Claims 2-4 and 8-11 without prejudice.

Claim 5 depends from claim 1, and has been distinguished from DeSimone. The same distinctions are pertinent to Busey.

In addition, with respect to Busey, Busey describes how communicating parties communicate by sending each other HTML links. Further, Busey teaches "...users join the chat session by establishing TCP/IP connections and launching their own RTM chat clients." [Col. 3, lines 44-46.] Nowhere does Busey teach that establishing that connection is initiated and accomplished in the manner claimed and described by applicants in claim 1, and previously discussed. The Examiner refers to Busey Col. 6. However, here Busey implies that the two communicating parties have somehow agreed to talk and already began talking, and the referenced material describes how they send each other HTML links.

Applicants' invention, on the other hand, deals with the process of establishing the communications in the first place, when one party wants to chat, and the other party doesn't know about it and doesn't have a chat client up and running to help with it. (Fortunately, that other party is browsing the Web through a corporate proxy server, and

END920030006US1

7

S/N 10/777,799

applicants' invention leverages that fact.)

Neither Busey nor DeSimone, nor their combination, teaches how a chat session is established with a user by a server which responds to a request from the user for HTTP content, such as a document, with an HTTP response that is replaced by or altered to include a chat applet instance for execution by the user

Applicants urge that claim 5 be allowed.

SUMMARY AND CONCLUSION

Applicant has amended claims 1 and 5, and canceled claims 2-4 and 6-12. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Applicants urge that the above amendments be entered and the case passed to issue with claims 1 and 5.

The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive

END920030006US1

8

S/N 10/777,799

assistance and suggestions in order that allowable claims can be presented, thereby placing the Application in condition for allowance without further proceedings being necessary.

Sincerely,

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By


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END920030006US1

9

S/N 10/777,799